

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:	Elmore Timmons, Jr.)	
)	
	Debtor.)	Case No. 13-30430-KLP
)	Chapter 13
)	
Address)	
	Elmore Timmons, Jr.)	
	15441 Goshen Rd)	
	Montpelier, VA 23192)	
)	
Last four digits of SSN or ITIN:	0034)	
	XXXX)	

ORDER ON MOTION FOR LEAVE TO SELL REAL PROPERTY

UPON ARGUMENT BY, Krumbein Consumer Legal Services, Inc., counsel for Debtor(s), says as follows:

- 1) This motion is filed pursuant to Local Bankr. Rule 6004-3.

JURISDICTION, VENUE, CORE PROCEEDING

- 2) This court has jurisdiction pursuant to 28 USC 1441.
- 3) This is the proper venue pursuant 28 USC 1391.
- 4) This is a core proceeding pursuant to 28 USC 157.

PARTIES

- 5) The movant is the Debtors in the above identified case, as defined by the Bankruptcy Code.
- 6) Respondents are creditors as defined by the Bankruptcy code.

FACTS

- 7) Movants filed a Voluntary Petition for Relief in this court on 01/28/2013.

- 8) After the filing of the Bankruptcy, the debtor's father passed away, and the debtor inherited an asset of real estate, encumbered by a deed of trust. located at 3000 Rudolph Rd, Henrico, VA 23294, and more particularly described as

ALL that certain lot, piece or parcel of land, with the improvements thereon and the appurtenances thereto belonging, lying and being in Henrico County, Virginia, known, numbered and designated as Lot 4, Block A, Heatherfield, all as more particularly described on a subdivision plat entitled "Heatherfield", made by Foster and Miller, Certified Surveyors, Richmond, Virginia, dated January 12, 1978, and recorded February 22, 1978, in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, in Plat Book 68, page 6, to which plat reference is hereby made for a more particular description of the property herein conveyed.
Tax ID/APN#: 760-752-5857

- 9) The property is subject to a loan and deed of trust which the debtor is not personally liable on in the approximate amount of 157,155.51.
- 10) The purchase price is 167,500.00.
- 11) The servicer/holder of the notes has agreed to a "short" payoff of the loan, in the amount of 157,155.51.
- 12) Pursuant to LBR 6004-3,
- A) The total sale price is 167,500.00
 - B) The amount of the sale proceeds that will go to fund the plan is ZERO.
 - C) The amount either IS a full payoff or the lien holder has consented.
 - D) The amount of sale proceeds that will go to the debtor is ZERO.

E) The real estate agent has agreed to reduce their fee to enable to sale to close.

13) The confirmed plan does not address this post-petition inherited asset of the real property.

14) A motion for relief was filed on 3/24/2017 (docket #56) and consented to, and the court entered relief on 3/28/2017 (docket # 58).

15) A foreclosure is scheduled for June 8, 2017.

16) Mr. Timmons would continue to owe the real estate taxes on this property if the sale is not approved. This sale clears the real estate taxes.

17) If Mr. Timmons continues to owe the real estate taxes on a property he cannot afford, and does not wish to keep, it potentially threatens his ability to maintain payments on his plan.

18) This motion is in the best interests of debtors and the creditors.

RELIEF ORDERED

Movants request that the court approve the foregoing motion for the reasons stated above is GRANTED, and the debtor is granted leave to sell the real estate. In the event there are unanticipated amounts due to the debtor, the debtor shall pay those sums to the Chapter 13 Trustee.

Entered: /s/ Keith L. Phillips

Jun 9 2017

Keith L. Phillips, Judge, US Bankruptcy Court
Eastern District of Virginia, Richmond Division

Entered on Docket: Jun 12 2017

I ASK FOR THIS

Seen and Agreed:

/s/ Jason M. Krumbein, Esq.
Jason M. Krumbein, Esq. VSBN 43538
Counsel for the Debtor(s) in Bankruptcy
Krumbein Consumer Legal Services, Inc.
1650 Willow Lawn Drive, Suite 201
Richmond, VA 23230

/s/ Suzanne E. Wade, Trustee
Suzanne E. Wade, Chapter 13 Trustee
P.O. Box 1780
Richmond, VA 23219

CERTIFICATE OF ENDORSEMENT PURSUANT TO LBR 9022-1

I certify that all necessary parties have endorsed the foregoing order.

/s/ Jason M. Krumbein, Esq.
Counsel for the Debtor(s) in Bankruptcy

MAILING MATRIX

BY ECF:

Jason M. Krumbein, Counsel for Debtors
Suzanne E. Wade, Chapter 13 Trustee

BY US MAIL

Elmore Timmons, Jr.
15441 Goshen Rd.
Montpelier, VA 23192

Curtis D. Gordon, Esq.
Dankos, Gordon & Tucker, P.C.
1360 E. Parham Rd., Suite 200
Richmond, VA 23228

Certificate of Notice Page 6 of 6
United States Bankruptcy Court
Eastern District of Virginia

In re:
Elmore C. Timmons, Jr.
Debtor

Case No. 13-30430-KLP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0422-7

User: smithla
Form ID: pdford9

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jun 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 14, 2017.

db +Elmore C. Timmons, Jr., 15441 Goshen Rd., Montpelier, VA 23192-2304

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 14, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 12, 2017 at the address(es) listed below:

Andrew S. Goldstein on behalf of Creditor Wells Fargo Bank, N.A., dba Wells Fargo Dealer Services AGoldstein@mglspc.com, jcoffman@mglspc.com

Andrew Todd Rich on behalf of Creditor Seterus, Inc. as the authorized subservicer for Federal National Mortgage Association, ("Fannie Mae"), creditor c/o Seterus, Inc.
bkvaecfupdates@bww-law.com

Andrew Todd Rich on behalf of Creditor SETERUS, INC. AS THE AUTHORIZED SUBSERVICER FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), CREDITOR C/O SETERUS, INC.
bkvaecfupdates@bww-law.com

Jason Meyer Krumbein on behalf of Debtor Elmore C. Timmons, Jr. jkrumbein@krumbeinlaw.com, a30156@yahoo.com;plutzky@krumbeinlaw.com

Jason Meyer Krumbein on behalf of Plaintiff Elmore C. Timmons, Jr. jkrumbein@krumbeinlaw.com, a30156@yahoo.com;plutzky@krumbeinlaw.com

Lisa B. Singer on behalf of Creditor Federal National Mortgage Association Bkmail@rosicki.com
Mark David Meyer on behalf of Creditor JPMorgan Chase Bank, National Association
bk@rosenberg-assoc.com

Melissa M. Watson Goode on behalf of Creditor Arvest Central Mortgage Company
pjmecef@glasserlaw.com, mgoode@glasserlaw.com

Suzanne E. Wade ecfsummary@chl3ricva.com, trustee@chl3ricva.com

William M. Savage on behalf of Creditor JPMorgan Chase Bank, National Association ECF@logs.com
William M. Savage on behalf of Creditor JPMorgan Chase Bank, National Association ECF@logs.com

TOTAL: 11